



**CITY OF SUNNYVALE
REPORT
Administrative Hearing**

November 24, 2004

SUBJECT: **2004-0846 – The Music Place Inc. and Glad Tidings Christian Chinese Mission** [Applicant] **Sang y Hahn** [Owner]: Application for a 26,136 square-foot site. The property is located at **205 South Mathilda Avenue** in a DSP-16 (Downtown Specific Plan/Block 16) Zoning District:

Motion Special Development Permit to allow a place of assembly and a music school in an existing office building;

REPORT IN BRIEF

Existing Site Conditions Office/Retail Building

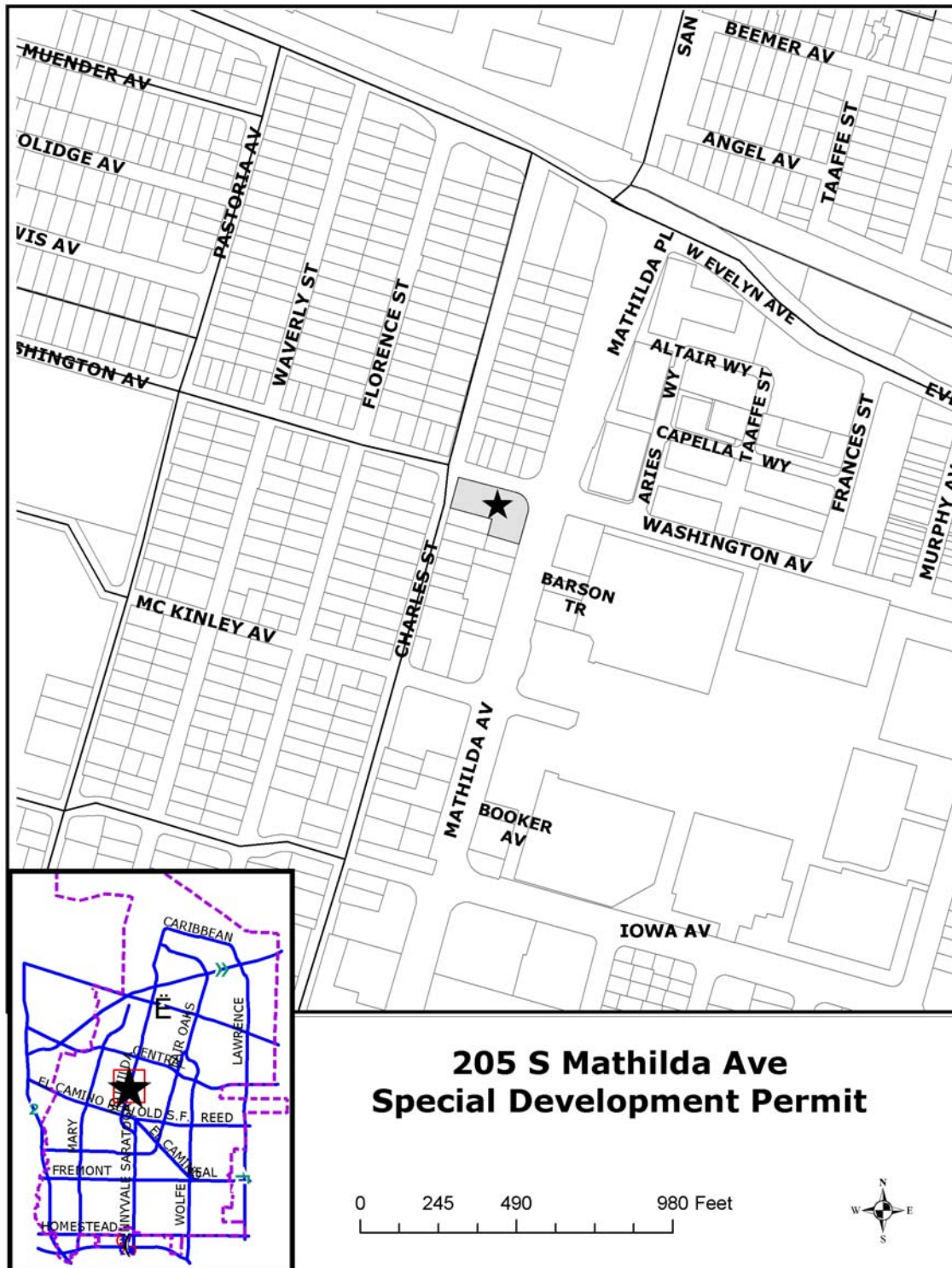
Surrounding Land Uses

North	Residential, single family homes and small office
South	Commercial, retail uses
East	Town Center Mall property
West	Residential, single family homes

Issues Compatibility of Use
Parking

Environmental Status A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines.

Staff Recommendation Approve with conditions



PROJECT DATA TABLE

	EXISTING	PROPOSED	REQUIRED/ PERMITTED
General Plan	Downtown Specific Plan	Same	Downtown Specific Plan
Zoning District	DSP-16	Same	DSP-16
Lot Size (s.f.)	26,136	Same	None
Gross Floor Area (s.f.)	4,952	Same	None
Gross Floor Area of Tenant	N/A	2,650	No max.
Lot Coverage (%)	19%	Same	100% max.
No. of Stories	1	1	4 max.
Setbacks (Facing property)			
• Front	20'0"	Same	0' min.
• Left Side	50'0"	Same	6' min.
• Right Side	15'0"	Same	10' min.
• Rear	122'0"	Same	10' min.
Parking			
• Total Spaces	26	Same	40 for Glad Tidings (1/21 sf of open seating area) 13 for Music Place (1/180 sf) 8 for existing office use (1/225 sf)
• Standard Spaces	25	Same	38 min.
• Compact Spaces/ % of Total	0	0	9 max.
• Accessible Spaces	1	Same	1 min.



Starred items indicate deviations from Sunnyvale Municipal Code requirements.

ANALYSIS

Description of Proposed Project

The proposed project is to allow a church and music school at an existing building. The church and school have set up a compatible schedule so both uses are not in operation at the same time. The church would be used during the weekday evenings, on Friday afternoon and on Sundays. The music school would be in operation from Monday through Thursday during the day and on Saturday. The music school would also have occasional recitals 2-3 times a year on Saturday afternoons.

The subject space is divided into several rooms which are used for different uses by each applicant. The church would mainly use the Main Room, Pastor's Room, Sunday School Room and Training Area (see Attachment C). The school would use the Pastor's Room, Lesson Room, Sunday School Room, Waiting Area and Training Area.

There is an existing approximately 1,800 s.f. office space adjacent to the church and school space. This use has been determined to be legal non-conforming since it was in place before the DSP zoning became effective.

Background

Previous Actions on the Site: The following table summarizes previous planning applications related to the subject site.

File Number	Brief Description	Hearing/Decision	Date
1984-0033	Savings and Loan building	Planning Commission Hearing Approved	12/11/1984

Environmental Review

A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines. Class 1 Categorical Exemption includes change of use.

Special Development Permit

Use: The Special Development Permit is required for places of assembly and nonpublic school uses within Block 16 of the DSP. The building would be utilized by two separate uses, the Glad Tidings Christian Mission church and the Music Place. The two operations have coordinated their hours of operation

in order to prevent both uses occurring at once. The entire tenant space is 2,400 s.f. in size and consists of a main room and three smaller offices. It is unlikely both uses would be able to operate at the same time because of the limited space.

The church currently has a congregation size of 25 people, although there are 48 seats available in the main assembly area. The school currently has classes ranging from individual lessons to Summer Music Camp for 20 children. For the most part, the school uses the individual rooms for private and semi-private lessons. The parents either drop off their children or wait in the waiting area.

Site Layout: The lot is situated on the corner of Mathilda Avenue and Washington Avenue, backing up to Charles Street. Access to the site is from driveways on Mathilda and Washington Avenues. The site was developed as a savings and loan building in 1984. The building is currently used by the building owner as an office (Suite 101-1,800 s.f.) and by the church and music school (Suite 102-2,400 s.f.) without permits. The office use is legal non-conforming in relation to the recently adopted DSP zoning district.

Floor Plan: The subject church and school will utilize one portion of the building (Attachment C) while the office use is the remaining space. The subject tenant space consists of a main room and three smaller offices. These smaller rooms are used by the applicants for individual lessons, private offices and/or one-on-one meeting area. The main room is used mainly by the church for their services. The school uses the main room periodically throughout the year for recitals.

Parking/Circulation: The church has 48 removable seats in the main area, but currently only has a congregation of 25 people. It is conceivable that all 48 seats will be filled, which could create parking issues at the site since only 26 spaces are available. See the table below for the parking breakdown:

Use	Required Parking	Parking
Church (48 removable chairs in an 812 s.f. open area)	1 space per 21 s.f. of open area useable for seating plus 1 space per employee	39 (max. required at any one time)
School (2,400 s.f.)	1 space per 180 s.f.	14
Office (1,800 s.f.)	1 space per 225 s.f.	8
Provided		26

This Special Development Permit is valid only for the subject uses (Suite 102) of the site and may not limit the use of the office uses sharing the site. The applicant proposes a compatible schedule to prevent uses from operating in the space at the same time.

Staff is concerned about the potential for the church use to exceed the parking available on the site. The congregation is currently 25 people, but there are 48 seats available for use. It would be possible for the number of people attending the church to exceed the 25 spaces on site, which would require the overflow to park in the existing residential area on Charles Street. The school is unlikely to exceed the parking requirements, even with the adjacent office area being used at the same time.

Conclusion

Compliance with Development Standards/Guidelines: The site is not in compliance with the Downtown Specific Plan because it is an existing office use in an area contemplated for high density residential and retail uses. The building however has existed for 20 years and this is merely a change in use which requires no exterior alteration.

Sunnyvale Municipal Code 19.46.050 requires adequate parking for each use in the City. The subject uses are sharing the building space for financial reasons, and have incorporated a compatible schedule for use of the space. The concern is not for the combined use of the property, but because the church use does not meet the parking requirement of the Code. The church has existing on the site for a year with a 25 person congregation, which does not exceed the parking spaces on site. Staff is recommending conditions of approval that require all employees, customers and guests must continue to park on site.

Expected Impact on the Surroundings: The greatest impact from the proposed uses is the potential for the parking to exceed the number of spaces on site. This could result in overflow parking in the residential area on Charles Street.

The church use has operated at the site without permits for a year, and no complaints have been received from the neighborhood about parking issues. Staff is concerned about the future growth of the church and/or music school beyond the site's ability to accommodate parking, etc. As a result, staff is recommending that if the Special Development Permit (SDP) is approved, the approval would be for 2 years, after which time the applicants will be required to file a new SDP. At that time staff will revisit the parking and neighborhood compatibility issues and re-notice the hearing to solicit neighborhood feedback.

Fiscal Impact

No fiscal impacts other than normal fees and taxes are expected.

Findings, General Plan Goals and Conditions of Approval

Staff was able to make the required Findings based on the justifications for the Special Development Permit.

- Findings and General Plan Goals are located in Attachment A.
- Conditions of Approval are located in Attachment B.

Public Contact

Notice of Public Hearing	Staff Report	Agenda
<ul style="list-style-type: none">• Published in the <i>Sun</i> newspaper• Posted on the site• 15 notices mailed to adjacent property owners and residents of the project site	<ul style="list-style-type: none">• Posted on the City of Sunnyvale's Website• Provided at the Reference Section of the City of Sunnyvale's Public Library	<ul style="list-style-type: none">• Posted on the City's official notice bulletin board• City of Sunnyvale's Website• Recorded for SunDial

Alternatives

1. Approve the Special Development Permit with the attached conditions.
2. Approve the Special Development Permit with modified conditions.
3. Deny the Special Development Permit.

Recommendation

Recommend Alternative 1.

Prepared by:

Andrew Miner
Project Planner

Reviewed by:

Diana O'Dell
Senior Planner

Attachments:

- A. Recommended Findings
- B. Recommended Conditions of Approval
- C. Site and Architectural Plans
- D. Letter from the Applicant

Recommended Findings - Special Development Permit

Goals and Policies that relate to this project are:

Land Use and Transportation Sub-Element

N1.3 – *Support a full spectrum of conveniently located commercial, public, and quasi-public uses that add to the positive image of the City.*

N1.14.3 – *Encourage multiple uses of some facilities within the capacity of the land and the roadway system*

1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale as the project provides a valuable educational and religious use within an existing office building. The uses would be conveniently located near major transportation arterials of the City. A bus stop located near the subject site provides a beneficial transportation alternative.
2. The proposed use ensures that the general appearance of proposed structures, or the uses to be made of the property to which the application refers, will not impair either the orderly development of, or the existing uses being made of, adjacent properties as the existing site provides adequate amenities for the proposed change of use. As conditioned, the proposed use shall not negatively impact or impair the capabilities of neighboring uses.

Recommended Conditions of Approval - Special Development Permit

In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following conditions of approval of this Permit:

Unless otherwise noted, all conditions shall be subject to the review of approval of the Director of Community Development.

1. GENERAL CONDITIONS

- A. This permit is valid for two years from the date of approval. The applicant will be required to submit a new Special Development Permit at that time to confirm that the operations have not expanded beyond the parking limitations on the site.
- B. Project shall be in conformance with the plans approved at the public hearing. Minor changes may be approved by the Director of Community Development; major changes may be approved at a public hearing.
- C. Any major site and architectural plan modifications shall be treated as an amendment of the original approval and shall be subject to approval at a public hearing except that minor changes of the approved plans may be approved by staff level by the Director of Community Development.
- D. The Special Development Permit for the use shall expire if the use is discontinued for a period of one year or more.
- E. The Special Development Permit shall be null and void two years from the date of approval by the final review authority at a public hearing if the approval is not exercised, unless a written request for an extension is received prior to expiration date.
- F. Any expansion or modification of the approved use shall be approved by separate application at a public hearing by the Administrative Officer.

2. PARKING

- A. The applicant is encouraged to work with the City to restripe the existing parking lot to increase the number of spaces by adding more compact spaces on site.
- B. Specify compact parking spaces on the Building Permit plans. All such areas shall be clearly marked prior to occupancy, as approved by the Director of Community Development.

- C. All office employees, music school employees and customers and those attending church activities, and their guests, shall be required to park on the site.

3. BICYCLE PARKING

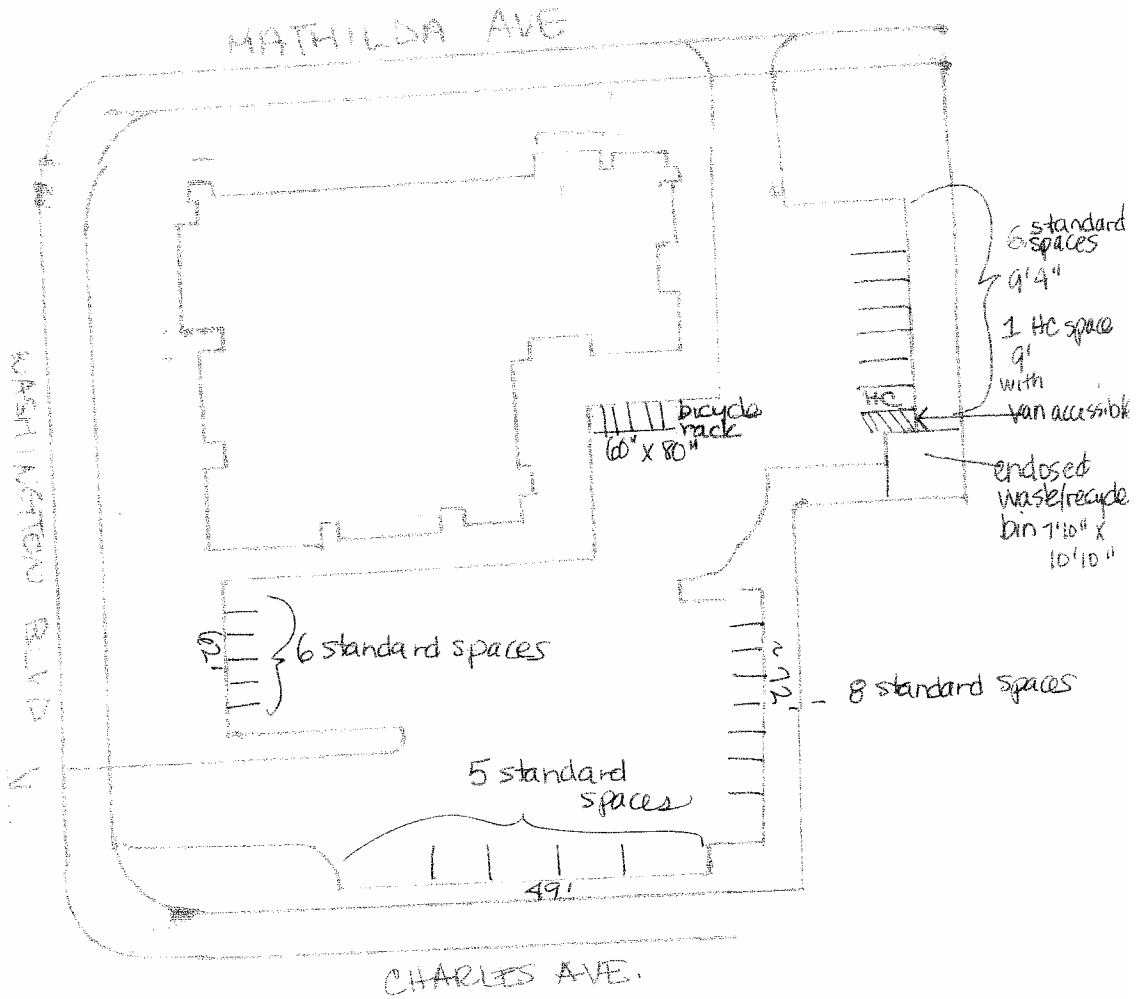
- A. Provide bicycle parking spaces (per VTA Bicycle Technical Guidelines) as approved by the Director of Community Development.

4. RECYCLING AND SOLID WASTE

- A. Submit a detailed recycling and solid waste disposal plan to the Director of Community Development for approval.
- B. All exterior recycling and solid waste shall be confined to approved receptacles and enclosures.
- C. Submit a detailed recycling and solid waste plan to Director of Community Development for review and approval.
- D. All recycling and solid waste containers shall be metal or State Fire Marshall listed non-metallic.

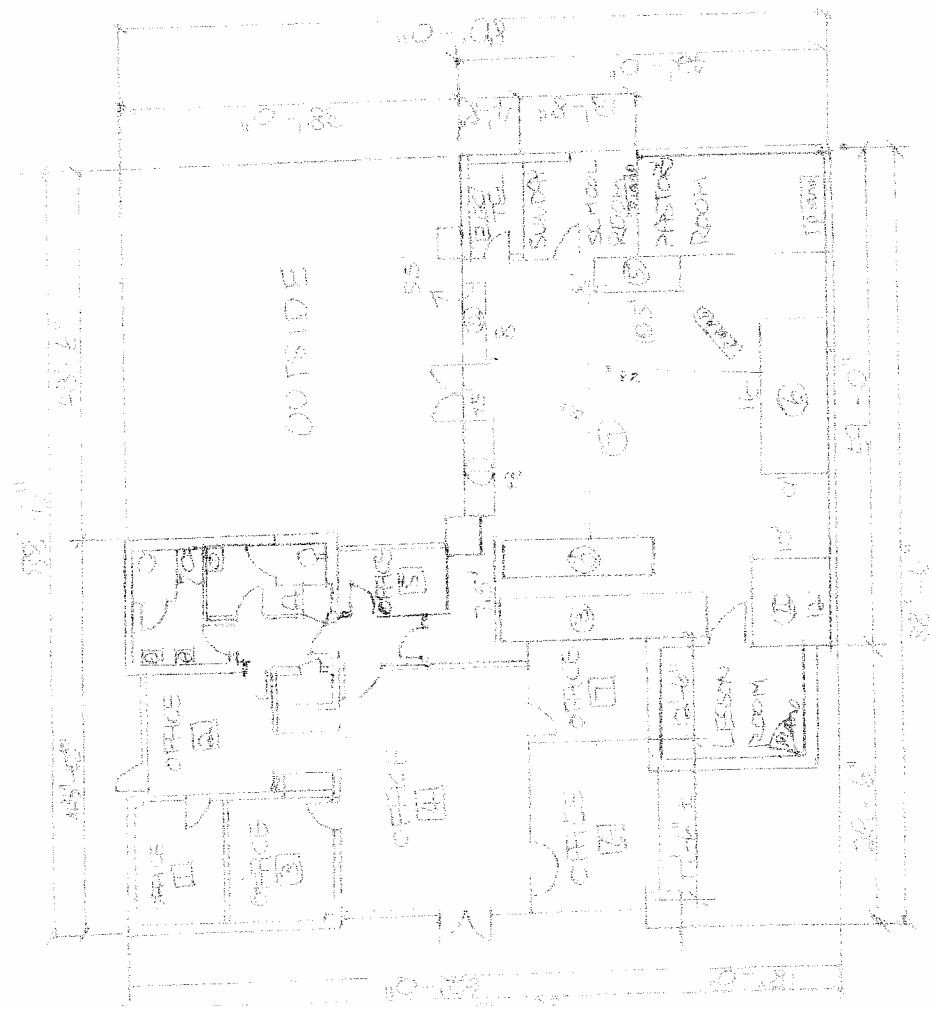
5. SIGNS

- A. All existing/new signs shall be in conformance with Sunnyvale Municipal Code



- ① CHURCH RECEPTION
- ② HUSC PLACE
RECEPTION AREA
- ③ THURSDAY/CEOC/CHAIRS
- ④ CHURCH STORAGE
- ⑤ WAITING AREA
- ⑥ ALTAR AREA
- ⑦ ROWS OF 8
CHAIRS MAXIMUM
(MAIN ROOM)
- SUITE 100
- SUITE 102
- COMMON AREA

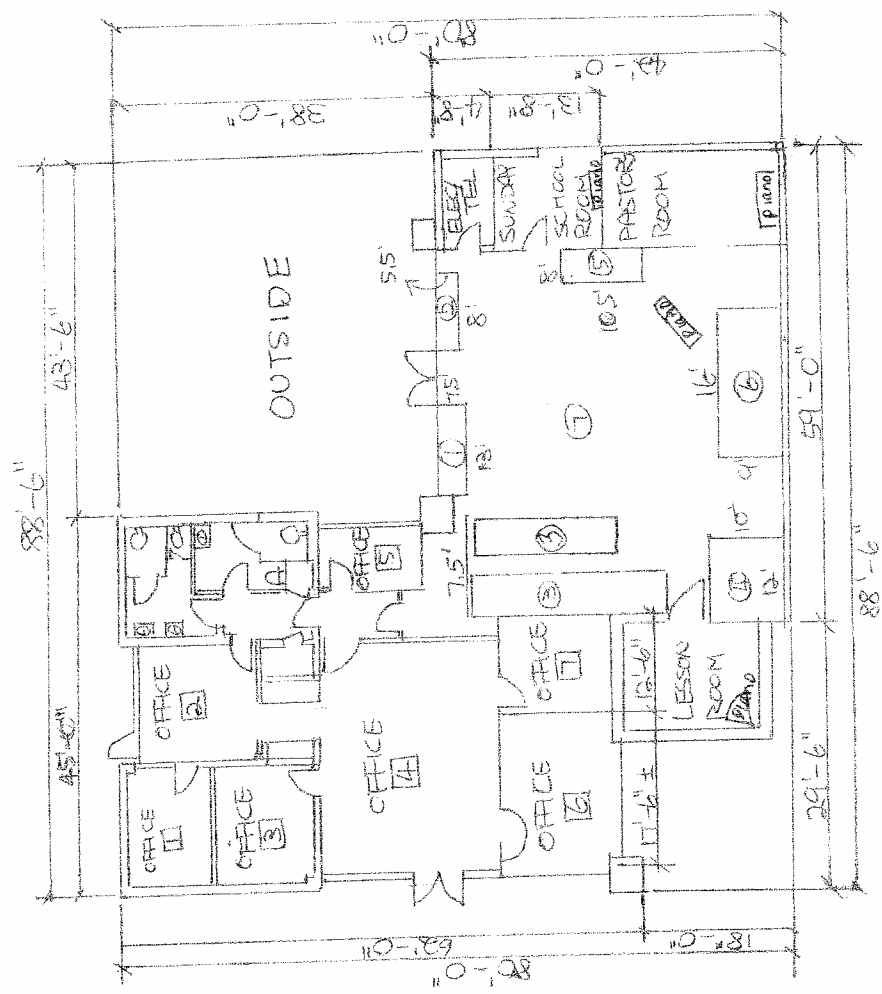
3936 - 1012
 1012 - 1012 # 215



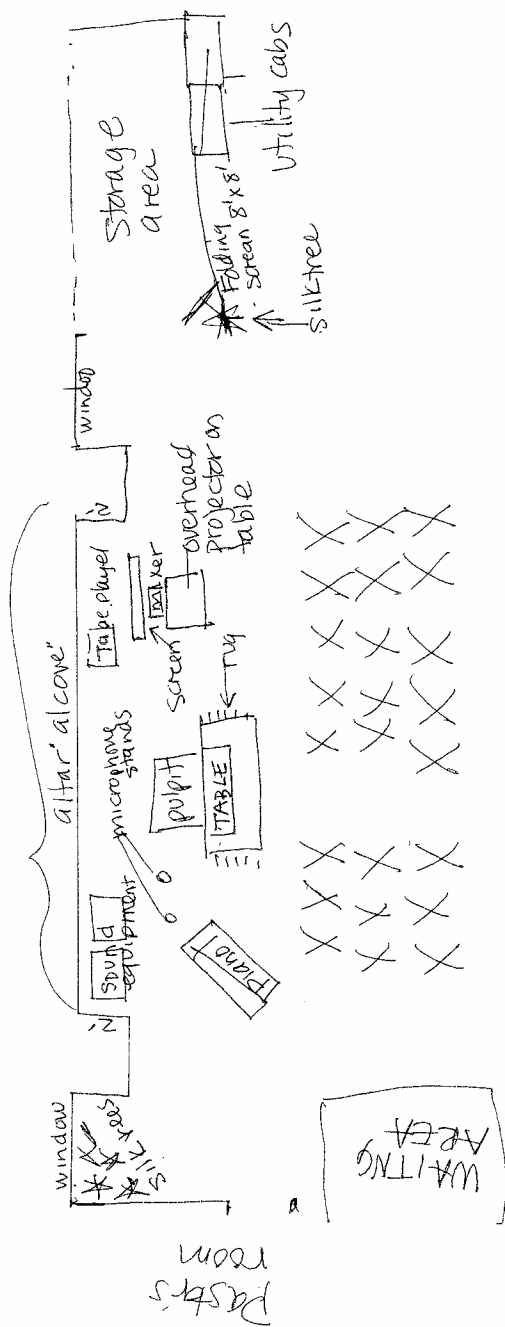
201 So Mathilda
 Floor Plan

FLOOR PLAN
 1012 - 1012 # 215

- ① CHURCH RECEPTION
- ② MUSIC PLACE
RECEPTION AREA
- ③ TABLES/COUCH/CHAIRS
- ④ CHURCH STORAGE
- ⑤ WAITING AREA
- ⑥ ALTAR AREA
- ⑦ 6 ROWS OF 8
CHAIRS MAXIMUM
(MAIN ROOM)



FLOOR PLAN
SCALE: 6/100" = 1'-0"



Clear Description of
Altar Area

Project Description (for application of Special Development Permit)
Proposed Usage of 205 South Mathilda
APN: 16513059; DSP 16

PROPOSED USE

The proposed use for Suite 102 (approximately 2400 sq. ft. exclusive space) would allow The Music Place, Inc. (a music school) and Glad Tidings Christian Chinese Mission (a mission outreach/church), to operate cooperatively as a “*school of instruction*” and a “*place of assembly*”, respectively. Both uses are currently approved with a Special Development Permit.

THE DIVISION OF SPACE

The current building holds a special development permit to be used as a financial institution. It is divided into two sections, Suite 100 and Suite 102. The total square footage is approximately 4450. This includes:

- 1) *A Common Area*: (approx. 200 sq. ft.) including bathrooms, hallway and janitorial closet.
- 2) *Suite 100*: (approx. 1800 sq. ft. exclusive space), divided into several offices, and currently used by its owner, Calihahn Investments.
- 3) *Suite 102*: (approx. 2450 sq. ft. exclusive space) which is currently being leased on a month-to-month basis pending the results of the Sunnyvale SD Permit process. It is leased to Glad Tidings Chinese Christian Mission and subleased to The Music Place Inc.

THE DESCRIPTIONS OF PURPOSE AND ACTIVITIES

Calihahn Investments (Suite 100)

The Mathilda location serves as an administrative center for this investment company, which oversees the sale and management of properties and funds. Two or three regular employees work full time, 9-5. One or two others, including the president/owner, either spread their time between other locations, with the property as “home base”, or work part time.

Glad Tidings Chinese Christian Mission Center (Suite 102)

Led by Rev. Samuel Tsai, Glad Tidings Chinese Christian Mission Center is a non-profit organization that exists to serve the Chinese residents of Sunnyvale and surrounding communities through prayer, Bible training, preaching, Sunday School and social interaction or fellowship.

The Music Place, Inc.

The Music Place is an award-winning music school that has been in business in the South Bay for 20 years, serving students who desire private (one on one) vocal, piano or instrumental lessons. They also offer small explorational music classes that include a maximum of eight students, and personalized aptitude evaluations. FYI: In Sunnyvale, the group classes are held in the soundproof “Lesson Room” (see attached) and serve children ages 2-7 years. Poanos are placed in all enclosed rooms in addition to Main Room (#7)

In conjunction with **The Music Place**, after-school tutoring and homework help is offered by (M.Ed.) Caroline Kao, of **Vision Explorer**. This program includes music instruction, as well as specific classes in art, language, math, science and social studies.

Room	Use	Approx. dimensions
Main Room (#7)	GTC: Used as a sanctuary for assembly, prayer & Bible study as noted above MP: waiting parents may sit on church chairs rather than in waiting area MP: Used 2x per year for Saturday recital 10 families. MP: Used for Weekly Summer Music Morning camp: Max 20 children	34' x 24'
Sunday School	GTC: 1-3 kids 1 adult Sunday school MP: 1 on 1 lessons MP: 1-2x per month new student testing, 1-2 adults, 3 children max.	10' X 14'
Training Area (#3)	GTC: After Church pot luck; Friday Bible Study MP: Quarterly Faculty training 10-12 adults	18' X 10'
Waiting Area (#5)	GTC: After church conversation MP: 1-6 parents wait for 30-45 minute lessons to finish	8' x 10.5'
Pastors Office	GTC: Sunday school, occasional (quarterly?) Counseling) No conferences MP: 1 on 1 lessons	11' x 8' Large 30 x 60 desk, bookcases & piano would prohibit conferencing
Lesson Room	GTC: Does not use this area at all MP: 1 on 1 lessons MP: pre school music group (Age 6 maximum) 8 kids + 1 teacher max	13' x 17'
Church Storage (#4)	This area (#5) in the northeast corner of the suite is divided off by 3' x 6' utility cabinets and a folding screen. It is open toward the altar area and is used exclusively by the church	10' x 12'
Altar Reception Area (#2)	MP Only: This area is identified by an 8' x 10' rug. It has a desk perpendicular to the front wall that faces the clients as they enter the double doors. It includes printer stand and tall cabinet. It is used as a computer station/reception desk. GTC: This is essentially the front of the sanctuary, running the width of the main room (approx 34'). It is not a raised area. It contains a pulpit, communion table, piano, over heard projector and screen, sound system. It is used for preaching and after service prayer. Three rugs divide it from the main part of the room. MP: The piano is used 2-3 times per year. During 2-3 weeks in the summer this area is cleared on weekdays and used as a stage for performance training.	6' x 12'
Altar Area		
Church Reception (#1)	GTC only: This area has a 4' desk that is perpendicular to the front wall and faces the parishioners as they enter the double doors. At right angles from the desk are two long tables which divide the reception area from the main area. Against the entrance wall are bookshelves which serve as a library.	13' x 7.5'

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DESCRIPTION OF PROPOSED TIMES AND SPACE USAGE

205 South Mathilda Avenue (Suite 102 only)

GTCCM= Glad Tidings Chinese Christian Mission; MP = Music Place; VE = Vision Explorer Tutoring

DAY	TIME	Main Room	Pastor's Room	Lesson Room	Sunday School Rm.	Waiting Area	Training Area	Comments
M-F	7:30AM-9:00AM	GTCCM	-----	-----	-----	-----	-----	Prayer meeting average 7 participants
M-F	10:00AM-7:30PM	Possible MP Waiting Parent overflow*	MP	MP	MP	MP	MP (VE) 12:45-6PM	Maximum student load 11; Max teachers 4. Average number of waiting parents if 11 students: 6-7
Th	8:00PM-10PM	GTCCM	GTCCM	closed	GTCCM	-----	GTCCM (12-2)	Prayer meeting average 5 participants
Fri	8:00PM-10PM	GTCCM	GTCCM	closed	GTCCM	-----	GTCCM (12-2)	Bible training average 5 participants
Sat	9:00AM-2:00PM	-----	MP	MP	MP	MP	-----	Average 20-30 participants (This number as been consistent over 8 years)
Sun	10-2	GTCCM	GTCCM	closed	GTCCM		GTCCM (12-2)	
Occasional Usage								
Sat*	1:00PM-6:00PM	MP or GTCCM	-----	-----	-----	MP or GTCCM	MP or GTCCM	2-3x per year (small recitals or training sessions)
MP Summer Camps may include as many as 20 children in the Main Auditorium from 9AM -12PM for 2 or 3 one-week segments								
*During lessons, parents may wait or visit neighboring businesses. Some parents have 2 siblings taught at the same time.								

Glad Tidings Christian Chinese Mission

**2564 Amethyst Drive
Santa Clara, CA 95051
Phone (408) 243-0989**

November 18, 2004

Andy Miner
Planning Department
City of Sunnyvale

Dear Andy:

We, GTCCM, remain as a small church for the past ten years. People come and go. There are around twenty plus people attending our Sunday morning service. Our parking lot never got full. Approximately ten cars in the parking lot Sunday morning. This current site at 205 West Mathilda is more than enough for our regular church activities.

If you have any questions, please do not hesitate to call me at (408) 243-0989. Thank you much for your help.

Very Truly Yours,

Rev. Samuel Tsai
Pastor of GTCCM